**IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH**

**C.R. No.2293 of 2006**
**Date of Decision:- 28.08.2006**

Ram Lal ....Petitioner

through
Mr.Vikas Singh, Advocate

vs.

Ram Singh & ors. ....Respondents

through
Mr.S.S.Salar, Advocate

***

**CORAM:-HON'BLE MR.JUSTICE SURYA KANT**

***

**SURYA KANT, J.**

This revision petition is directed against the order dated 5.4.2006 passed by the Civil Judge (Jr.Division), Nabha whereby an application to club and try two suits together, has been declined.

Ram Lal, Ram Singh and Mukand Singh are three brothers who are sons of Mukhtiar Singh. Ram Singh has filed a suit for permanent injunction against the Gram Panchayat and Mukand Singh alleging, inter alia, that two residential plots were allotted to him by the Gram Panchayat and this fact is duly incorporated in the revenue record. In the said suit, third brother, namely, Ram Lal is not a party.

Ram Lal has also filed a declaratory suit to the effect that he and his brother Ram Singh were allotted one plot each by the Gram Panchayat. He has sought injunction against his brother (Ram Singh) from interfering in his possession over the plot allegedly allotted to him. In the

said suit, Ram Singh is a party but not Mukand Singh.

Ram Lal-the petitioner herein, thereafter moved an application before the trial Court to club and try the above-mentioned two suits together. His application, however, has been dismissed on the ground that whereas one suit is of declaratory nature and the other is for injunction only. It is also stated that one of the suits is already fixed for rebuttal evidence whereas the other suit is for the evidence of the plaintiff, therefore, the suit which is nearing finalization will be unnecessarily delayed.

Notice of motion was issued. In response thereto, respondent has put in appearance.

After hearing learned counsel for the parties, I am of the view that both the reasons assigned by the learned trial Court and noticed above are unsustainable. True that Ram Lal's suit is of declaratory nature, however, the injunction sought by Ram Singh in his suit is also on the premise that both the plots were allotted by the Gram Panchayat in his favour and he is owner in possession thereof. Thus, the issue in relation to ownership in respect of one of the plots, is bound to arise for adjudication. Merely because Ram Singh has not impleaded Ram Lal as a defendant, *per se* is no ground to hold that the dispute qua ownership of the plot which Ram Lal claims to have been allotted to him, would not arise.

If both the suits are clubbed and heard together, not only the possibility of two contradictory orders but the multiplicity of litigation between the three brothers over the same set of plots would also be avoided.

Consequently, the revision petition is allowed. The impugned order dated 5.4.2006 is set aside. Both the civil suits (i) titled as **Ram Lal** vs. **Ram Singh** and (ii) **Ram Singh** vs. **Mukand Singh and another**, are

directed to be clubbed and heard together. Learned Civil Judge (Sr.Division) at Patiala shall entrust both the suits to one Court only.

The parties are directed to appear before the learned Civil Judge (Sr.Division), Patiala on or before 27.10.2006.

**August 28, 2006** **( SURYA KANT )**
poonam **JUDGE**